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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,602	10/29/2003	Patricia Franklin	ATIS-01000US0	9619
28554 7590 06/22/2007 VIERRA MAGEN MARCUS & DENIRO LLP 575 MARKET STREET SUITE 2500 SAN FRANCISCO, CA 94105			EXAMINER HU, KANG	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 06/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/697,602	Applicant(s) FRANKLIN, PATRICIA	
	Examiner Kang Hu	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action pertains to the Request for Continued Examination filed on 4/10/2007. Currently claims 1-32 are pending.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings submitted on 10/29/2003 have line quality and drawing that is too dark to permit adequate reproduction. It is hard and nearly impossible to make out the images in Fig 5-31. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

3. Claims 22, 26, 29 and 32 are objected to because of the following informalities: The claims recite a dependency upon claim 0, it is understood by the examiner that these claims are dependent upon claim 21 from claims submitted 5/30/2006. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of MetaMentor in claim 3 is rejected for being unclear and the use of hidden objects in claim 15 are vague and unclear, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. The features which the applicant relies upon are not recited in the claims. Further more, the “unobtainable objects representing inventions of the MetaMentors which may become obtainable upon the user...” in claim 16 are rejected; the language of the claim needs to be clear as to in what conditions the objects are unobtainable. The claim in its current condition makes it indefinite and unclear.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4, 5, 8-10, 18-23 and 26-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Reynolds (US 6,971,881 B2).

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Re claim 1, Reynolds discloses the broadly claimed invention of an e-learning system allowing a user of the system to obtain mentoring and to collaborate with others over a computer system, the e-learning system comprising: a simulation presented to the user over the computer system (fig 2), the simulation including a plurality of characters, the user role-playing one of the characters (col 39-40); a mentoring opportunity in which the user is capable of receiving mentoring over the computer system based on the user's action in the simulation a collaboration opportunity in which the user is capable of collaborating with others over the computer system (Figs 1-8H; col 15, lines 12-47).

Reynolds further teaches:

Re claim 2, an e-learning system as recited in claim 1, wherein the simulation provides the user with a learning object from which the user selects a scenario from among at least two scenarios, the selection of the scenario having a positive or negative outcome for the role-played character in the simulation (figs 4a and 4b; cols 11-13)

Re claim 4, an e-learning system as recited in claim 1, wherein the mentoring the user is capable of receiving in the mentoring opportunity is a synchronous event (col 15, lines 12-47).

Re claim 5, an e-learning system as recited in claim 4, wherein the synchronous event is an on-line chat or instant message with at least one other person in real time is not explicitly disclosed in the specifications, however Reynolds does teach the use of

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network interactive embodiment between the instructor and the student, it would be inherent to have an online chatting system for the students and the instructor to interact.

Re claims 8-10, an e-learning system as recited in claim 1, wherein the mentoring the user is capable of receiving in the mentoring opportunity is an asynchronous event (abstract; figs 1-8; col 1-4); Reynolds further teach in claim 9, that the asynchronous event is a stored informational resource (fig 7, 800, 744, 808, 788) and the informational resource is a Bot, the Bot is interpreted as a computer program, a script or databases that contains the informational resources (col 19-22).

Re claim 18 has been discussed in the above claims, the self-assessment in which the user is accessed through a series of questions presented to the user are taught by Reynolds in (col 4, lines 1-51; cols 6-8)

Re claims 19-20, the broadly claimed feature are interpreted as one or more frame containing one or more learning materials presented to the students which are discussed above, assessments are presented to the students.

Re claims 21-23 and 26-30 have been discussed in the above claims. The addition of sources comprises of a different geographical location can be accomplished via the network disclosed in Reynolds.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3, 6, 7, 11-14, 15-17, 24, 25 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds (US 6,971,881 B2) in view of Cook (2002/0168621 A1).

Re Claim 3, 6, 7, 24 and 25 Reynolds does not teach the use of a Metamentor, avator or emoticon; Cook teaches the use of a Metamentor to effectively convey to the student of the education material not taught in Reynolds (Cook, ¶ 21, 24, 50-69 and 88). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Reynolds to include the use of a Metamentor to effectively convey the education material to the students. Even though Cook does not teach the use of an avator or emoticon, the use of animated multimedia persona has the same function and effect of an avator or emoticon.

Claims 11-14 have been discussed in the above claims. Broadly claimed 15-17 can be interpreted as the teaching materials used to effectively teach the students, the physical replicas could be used in addition to the computer references and materials to better enhance the student's interest in learning the material.

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Claims 31-32 are obvious design choices of the intended use of the invention. The e-learning system is readily available to any organizational department and share within the organization of presentation, product information and etc.

Response to Arguments

9. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Koga et al. (US 2002/0146675 A1) teaches of a collaborative learning system capable of collaborative learning by operating resources of a server from a plurality of clients. Denious et al. (US 6,622,003 B1) teaches of a method for developing an electronic course may include describing an illustrative scenario that presents a problem for a student of an electronically deliverable course. Hale (US 2001/0049087 A1) discloses of an invention involving a method of distance education using Internet communications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kang Hu whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KH/

Kang Hu

June 18, 2007



Robert E Pezzuto
Supervisory Patent Examiner
Art Unit 3714